

## **REMARKS**

Claims 1 through 14 and 16 through 22 are currently pending in the application. Upon entry of this amendment, claims 1 through 3, 5, 7, 13, 14, 16, 18, 19 and 22 will remain pending. Applicants note with appreciation the fact that the Office Action (Action) states that claims 12, 20 and 21 would be allowable if presented in independent form and that claim 22 is allowable.

Claim 1 has been amended to include the allowable subject matter of claim 12. Therefore, Applicants respectfully submit that claim 1, as well as claims 2, 3, 5, 7, 13 and 14 which depend from claim 1, are patentably distinguishable over the cited art and is in condition for allowance.

Independent claim 18 has been amended to include the allowable subject matter of dependent claims 20 and 21. Therefore, Applicants respectfully submit that claim 18, as well as claim 19 which depends from claim 18, are patentably distinguishable over the cited art and is in condition for allowance.

With respect to independent claim 16, Applicants respectfully assert that claim 16 defines an invention that is not anticipated by the cited prior art, as set forth below.

Claims 1 through 3, 5, 8 through 11, 14, and 16 through 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,335,721 to Matthews. Matthews discloses a tampon with a series of parallelly aligned fibers fused to a withdrawal string positioned transversely near one end of the fibers.

Claim 16 recites a dry expanding tampon pledget having a plurality of non-absorbent fibers and a plurality of absorbent fibers. The plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber. The plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry

expanding tampon pledget. A percent ratio of the plurality of non-absorbent fibers to the plurality of absorbent fibers is about 25/75 to about 65/35. Immediately after complete ejection from an applicator, and prior to contact with menses, the dry expanding tampon pledget has a free diameter at a widest point from about 25% to about 300% larger than the diameter of the dry expanding tampon pledget in the applicator.

It is respectfully submitted that Matthews fails to disclose or suggest a dry expanding tampon pledget, let alone one that has a plurality of non-absorbent fibers and a plurality of absorbent fibers, where the plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber and the plurality of non-absorbent fibers and the plurality of absorbent fibers are blended together to form the dry expanding tampon pledget, as recited in claim 16. Nowhere in Matthews is the use of a combination of rayon fiber and superabsorbent fiber blended with a plurality of non-absorbent fibers to form a dry expanding tampon pledget disclosed or suggested. As such, claim 16 is patentably distinguishable over Matthews.

Claims 1 through 3, 5, 7 through 11, 13, 14, 16, 18 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,817,077 to Foley et al. (Foley). Foley discloses a tampon with a coverstock. The tampon is made with absorbent and non-absorbent fibers for preventing the drying of the vaginal wall.

Claims 1 through 3, 5, 8 through 11, 16, 18 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,986,511 to Olofsson et al. (Olofsson). Olofsson discloses a tampon having a resilient rotund absorbent fibrous layer supported on a core of stiff material. The tampon can be inserted without the use of an applicator.

Applicants respectfully submit that claim 16 now recites the novel feature of claim 17, namely the feature that the plurality of absorbent fibers is a combination of rayon fiber and superabsorbent fiber. As noted by the Action, neither Foley nor Olofsson disclose or suggest a dry expanding tampon pledget having a combination of rayon fiber

and superabsorbent fiber that form a plurality of absorbent fibers, as claimed.

Therefore, claim 16 defines an invention that is not anticipated, nor rendered obvious, by the cited art.

In lieu of the above, it is respectfully submitted that none of the cited references anticipate the claimed invention and as such, claims 1 through 3, 5, 7, 13, 14, 16, 18, 19 and 22 are patentably distinguishable over Matthews, Lloyd, Foley and Olofsson, taken alone or in combination. Applicants respectfully request reconsideration and withdrawal of the §102(b) rejections and passage of the application to allowance.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

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